

DANA ANN BROOKS,
Plaintiff,

vs.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,
Defendant.

)
)
)
)
)
)
)
)
)
)

Civil Action No. 4:19-2949-BHH

ORDER

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made.

On October 31, 2019, Plaintiff submitted a letter through her counsel representing that she did not intend to object to the Report and Recommendation.

(ECF No. 7). On the same day, she remitted her filing fee for the within action. (ECF No. 8). In the absence of objections to the Magistrate Judge's Report and Recommendation, this Court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Indeed, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee's note).

Here, because Plaintiff filed no objection, the Court has reviewed the Magistrate Judge's findings and recommendation for clear error. Finding none, the Court agrees with the Magistrate Judge and denies Plaintiff's application to proceed without prepayment of fees.

Accordingly, the Report and Recommendation (ECF No. 6) is adopted and incorporated herein by reference¹, and Plaintiff's application (ECF No. 3) is DENIED. This matter is remanded to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
Bruce Howe Hendricks
United States District Judge

November 6, 2019
Charleston, South Carolina

¹ The Magistrate Judge also recommends that Plaintiff be ordered to pay the full filing fee within 14 days of an order adopting the Report and Recommendation. As noted above, Plaintiff has already paid the filing fee and therefore this portion of the Report and Recommendation is moot.